

Assembly Bill No. 1355

CHAPTER 9

An act to amend Sections 31855.5, 31855.6, 31855.7, and 31855.9 of the Government Code, relating to county employees' retirement.

[Approved by Governor June 29, 2009. Filed with
Secretary of State June 29, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1355, Fong. County employees' retirement: survivor's allowances.

The County Employees Retirement Law of 1937 (CERL) authorizes a county to provide specified optional survivor's allowances to members who receive retirement benefits pursuant to both CERL and federal social security on a nonintegrated basis. CERL provides that these survivor's allowances shall be calculated according to one of 2 alternative methods.

This bill would appropriately cross-reference an alternative method of calculating survivor's allowances, as described above. The bill would also make technical changes.

The people of the State of California do enact as follows:

SECTION 1. Section 31855.5 of the Government Code is amended to read:

31855.5. Upon the death of a member prior to retirement who was a member continuously for not less than 18 months immediately prior to the member's death, the member's surviving spouse shall be paid a monthly survivor's allowance equal to the sum, based upon the appropriate factual circumstances, specified in Section 31855.8 or 31855.12.

SEC. 2. Section 31855.6 of the Government Code is amended to read:

31855.6. Upon the death of a member prior to retirement who was a member continuously for not less than 18 months immediately prior to the member's death and who is survived by one or more children but no surviving spouse, the child or children shall be entitled to a monthly survivor's allowance as specified in Section 31855.8 or 31855.12. The monthly survivor's allowance of two or more children shall be divided equally as to those children.

SEC. 3. Section 31855.7 of the Government Code is amended to read:

31855.7. Upon the death of a member prior to retirement who was a member continuously for not less than 18 months immediately prior to the member's death, the member's surviving parent or parents shall be entitled to a monthly survivor's allowance as specified in Section 31855.8 or 31855.12.

SEC. 4. Section 31855.9 of the Government Code is amended to read:

31855.9. Upon the death of a member prior to retirement who was a member continuously for not less than 18 months immediately prior to his death who is survived by a spouse with whom the member was living at the time of death, the retirement system shall pay to the surviving spouse, in addition to all other payments due, if any, a lump sum supplemental survivorship benefit of two hundred fifty-five dollars (\$255), as set forth in Section 31855.8 or 31855.12. If the member is not survived by a spouse with whom the member was living, the retirement system shall apply a lump sum supplemental survivorship benefit to reimburse the person who paid the funeral expenses of the member in an amount not to exceed two hundred fifty-five dollars (\$255).